

213.101 Abortion required to be reported to Vital Statistics Branch -- Public report -- Administrative regulations.

- (1) (a) Each abortion as defined in KRS 213.011 which occurs in the Commonwealth, regardless of the length of gestation, shall be reported to the Vital Statistics Branch by the person in charge of the institution within fifteen (15) days after the end of the month in which the abortion occurred. If the abortion was performed outside an institution, the attending physician shall prepare and file the report within fifteen (15) days after the end of the month in which the abortion occurred.
- (b) The report shall include all the information the physician is required to certify in writing or determine under KRS 311.731, 311.7704, 311.7705, 311.7706, 311.7707, 311.774, 311.782, and 311.783, but shall not include information which will identify the physician, woman, or man involved.
- (c) If a person other than the physician described in this subsection makes or maintains a record required by KRS 311.7704, 311.7705, 311.7706, or 311.7707 on the physician's behalf or at the physician's direction, that person shall comply with the reporting requirement described in this subsection as if the person were the physician.
- (2) Each prescription issued for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any other drug or combination of drugs for which the primary indication is the induction of abortion as defined in KRS 213.011 shall be reported to the Vital Statistics Branch within fifteen (15) days after the end of the month in which the prescription was issued as required by KRS 311.774, but the report shall not include information which will identify the woman involved or anyone who may be picking up the prescription on behalf of the woman.
- (3) The name of the person completing the report and the reporting institution shall not be subject to disclosure under KRS 61.870 to 61.884.
- (4) By September 30 of each year, the Vital Statistics Branch shall issue a public report that provides statistics on all data collected, including the type of abortion procedure used, for the previous calendar year compiled from all of the reports covering that calendar year submitted to the cabinet in accordance with this section for each of the items listed in subsections (1) and (2) of this section. Each annual report shall also provide statistics for all previous calendar years in which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The Vital Statistics Branch shall ensure that none of the information included in the report could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted. Each annual report shall be made available on the cabinet's Web site.
- (5) (a) Any person or institution who fails to submit a report by the end of thirty (30) days following the due date set in subsections (1) and (2) of this section shall be subject to a late fee of five hundred dollars (\$500) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue.
- (b) Any person or institution who fails to submit a report, or who has submitted

only an incomplete report, more than one (1) year following the due date set in subsections (1) and (2) of this section, may in a civil action brought by the Vital Statistics Branch be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.

- (c) Failure by any physician to comply with the requirements of this section, other than filing a late report, or to submit a complete report in accordance with a court order shall subject the physician to KRS 311.595.
- (6) Intentional falsification of any report required under this section is a Class A misdemeanor.
- (7) The Vital Statistics Branch shall promulgate administrative regulations in accordance with KRS Chapter 13A to assist in compliance with this section.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 36, sec. 31, effective July 15, 2020. -- Amended 2019 Ky. Acts ch. 20, sec. 15, effective March 15, 2019; ch. 37, sec. 6, effective March 19, 2019; and ch. 191, sec. 1, effective June 27, 2019. -- Amended 2017 Ky. Acts ch. 5, sec. 9, effective January 9, 2017. -- Amended 2005 Ky. Acts ch. 99, sec. 438, effective June 20, 2005. -- Created 1990 Ky. Acts ch. 369, sec. 19, effective July 13, 1990.

Legislative Research Commission Note (6/27/2019). This statute was amended by 2019 Ky. Acts chs. 20, 37, and 191. Where these Acts are not in conflict, they have been codified together. Where a conflict exists, Acts ch. 191, which was last enacted by the General Assembly, prevails under KRS 446.250.

Legislative Research Commission Note (3/19/2019). 2019 Ky. Acts ch. 37, sec. 8, provides that 2019 Ky. Acts ch. 37 may be cited as the "Human Rights of the Unborn Child and Anti-Discrimination Act." This statute was amended in Section 6 of that Act.